

PATENTING OF PETROLEUM LANDS.

JANUARY 27, 1897.—Committed to the Committee of the Whole House on the state of the Union and ordered to be printed.

Mr. MEIKLEJOHN, from the Committee on the Public Lands, submitted the following

REPORT.

[To accompany H. R. 9983.]

The Committee on the Public Lands, having had under consideration House bill 9983, report the same back with the recommendation that it do pass.

Public lands containing petroleum and other mineral oils have been held and patented under the placer-mining acts of the United States for many years past. In 1 Land Decisions, page 560, Mr. Teller, then Secretary of the Interior, said that minerals so found "subjected the tract to the operation of the mining laws, as has been held under other rulings with respect to * * * petroleum * * * and other substances under like conditions."

The first patent issued by the Government under the placer-mining acts for lands containing petroleum was in the Los Angeles district, in California, mineral entry No. 18, March 22, 1880. Other entries have been made and patents issued since that time on lands containing petroleum in several of the public-land States, notably in the States of California and Wyoming.

The first ruling in the matter was that contained in the letter of instructions written by Commissioner Burdett to the United States surveyor-general of California, January 30, 1875, and was to the effect that petroleum-bearing lands were enterable under the mineral-land laws. (Copp's Land Owner, vol. 1, p. 179; Copp's Mineral Lands, 2d ed., p. 160.) Another letter to the same effect was written by Commissioner McFarland, March 31, 1882. (Copp's Land Owner, vol. 9, p. 51.) Under these rulings and in view of the uniform practice of the Land Department for many years, considerable quantities of lands have been filed upon, held, and improved for the purpose of developing oils in various of the public-land States, and in many instances large sums of money have been expended in such development.

Under a decision of the Secretary of the Interior, dated August 27, 1896, in the case of mineral entry No. 140, Los Angeles district, California, the Secretary held that lands containing oils could not be patented under the placer-mining acts, for the reason that the acts did not originally contemplate the extension of their provisions to lands of this character. It has never been held by any authority that the provisions of the placer acts were not adequate to meet the conditions surrounding the development of mineral oils. The effect of the above-cited decision of August 27, 1896, is to preclude the possibility of obtaining

title to lands containing oils, and as there are large areas of such lands in various of the public-land States, and as upon these lands in many instances large expenditures have already been made, and as it is manifestly for the public good that there should be some provision whereby these lands may be held and patented, the committee believe this bill should pass.

The Honorable Commissioner of the General Land Office, to whom the bill was referred, states that there is urgent necessity for some legislation on this subject, and in this view the Secretary of the Interior concurs. The bill simply provides by legislation for procedure in the entry and patenting of these lands along the lines that have been pursued in the past under the decisions of the General Land Office, so that there is no departure whatever from the procedure in the past for the development and acquirement of such properties.

While it is quite probable, as recited by the Honorable Secretary of the Interior in his decision of August 27, 1896, the provisions of the placer acts were not originally intended to extend to lands containing mineral oils, the legislators at that time, possibly, having in mind only metalliferous minerals, and the existence of petroleums on the public lands being at that time not generally known, it is nevertheless true that the provisions of these acts are calculated to aid in the development and purchase of lands of this character, and their provisions having been extended to such lands in the past, under rulings of the Department well understood, it is entirely proper that the provisions of these acts shall now be extended so as to embrace oil-bearing lands.

○